

REMARKS

Claims 1, 3, 6, and 45-47 are pending in the application. Claims 1, 3 and 45 are currently amended. New claim 65 is currently added. Claims 2, 4, 5, 48 and 49 are cancelled herein. Claims 7-44 and 50-64 are withdrawn from consideration. Applicant respectfully submits that no new matter is added by the present amendment. Support for new claim 65 can be found in the specification on page 19, line 16, for example.

Reconsideration of each of the rejected claims is respectfully requested in view of the remarks below.

Rejections under 35 U.S.C. § 102

Claims 1 and 45-47 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,369,538 to Smedal (hereinafter "Smedal"). Claim 1 as currently amended which is representative, in part, or the other rejected claims recites:

1. A method of providing access from a vessel navigable under its own power to a fixed offshore structure, comprising:

providing a gangway apparatus in a stored condition on the vessel, the gangway comprising at least one inflatable member in the form of a longitudinally extensible tube;

maneuvering the vessel so that it is proximate the fixed offshore structure;

providing at least one guide wire attached to the vessel, the gangway apparatus being attached or attachable to a said guide wire by means of one or more slidable fixings;

extending the at least one guide wire from the vessel and connecting the at least one guide wire between a location on the vessel and an attachment location on the fixed offshore structure proximate a location of entry to the fixed offshore structure;

controlling and, where necessary, adjusting the position of the vessel so that it is maintained in spaced apart relation to the fixed offshore structure, and maintaining the at least one guide wire at a desired tension;

extending the gangway apparatus from the stored condition by inflating said at least one inflatable member to a use condition by sliding the slidable fixing(s) along a said guide wire until the at least one inflatable member spans the gap between the vessel and location of entry to the fixed offshore structure.

The Examiner admitted that “Smedal teaches the second marine structure to be the structure which is positioned...” in contrast to the claims which require that first marine structure, now recited as vessel which is the structure that is positioned and navigable under its own power. See Office Action, page 2, lines 14–15. However, the Examiner erroneously recited that “...there is no patentable distinction regarding which structure is positioned.” According to the Examiner interpretation, Smedal could function on any marine structure. See Office Action, Page 3, lines 11–12. The Examiner also erroneously asserted that “Smedal specifically equates stationary platforms and vessels (abstract).” See Office Action, page 4, line 13. Applicant respectfully submits that the abstract of Smedal actually contains no such equation.

Applicant respectfully disagrees with the Examiner regarding the asserted interchangeability of first marine structure and second marine structure. Rather, the claimed method including extending the guide wire and gangway apparatus from the vessel rather than to the vessel provides certain advantages that are not provided by Smedal. Most notably, by storing the inventive gangway apparatus on the vessel it may be used for attaching the gangway to a series of offshore vessels in turn. In contrast, Smedal clearly teaches that the second end of his transfer system is connected to the vessel. It follows that Smedal is contemplating only that his system has its permanent mounting on the fixed structure. This difference is important in the context of offshore wind turbines or the like because it allows the vessel to carry goods or personnel to a number of turbines in an offshore turbine field, for example, without requiring each turbine to have its own gangway. The gangway is mounted on the vessel and is attachable and detachable to/from each turbine as and when required.

Also, the first and second marine structures as originally claimed are not interchangeable because the claimed configuration provides a safety improvements including a more secure entry point for persons on the vessel who would be more vulnerable to be thrown about by rolling seas while transiting a structure such as that disclosed by Smedal. Similarly, the deployment of the structure disclosed by Smedal from a fixed structure to a movable vessel approaching the protruding structure under rolling seas may be hazardous to the vessel or persons on board who could be struck or knocked overboard by the protruding structure. Under the same conditions, the present invention would not pose a similar danger when it is deployed to a fixed platform where

persons on board the fixed platform are more surely footed.

Nonetheless, to more clearly describe the invention, the claims have been amended herein to change the term “first marine structure” to “vessel” and to change the term “second marine structure” to “fixed offshore structure.” Claim 1 is further amended to include the at least one inflatable member, and to specify that it is the inflatable member which spans the gap between the vessel and the offshore structure. Applicant respectfully submits that no new matter is added by the present amendment.

Applicant maintains that the support lines 7 of Smedal do not disclose “guide wires” as particularly claimed. Applicant submits that no guide wires are required by Smedal because a collapsible bellows can extend or retract along the support lines without requiring any directional guidance. Smedal is silent about any guide wires or guiding function of the support lines 7.” In the Office Action, the Examiner noted that “the argument that the wires along which the bellows are guided are not within the scope of guide wires is not understood.” Office Action, page 4, lines 6 - 8. Here again the Examiner erroneously asserts that Smedal disclose “wires along which the bellows are guided.” Applicant respectfully submits that persons having ordinary skill in the art would understand the difference between guide wires and support wires. Smedal describes a device which uses support wires and does not describe that anything is guided on the support wires. There is no inference in Smedal that support lines 7 perform any such guiding function.

The Examiner asserted that “[t]here is a runway (1,3,) upon which the gangway is slid along. Applicant respectfully submits that, contrary to the examiner’s characterization, neither element 1 or element 3 a “runway upon which a gangway is slid along.” Applicant can find no reference in Smedal to a such runway, or any reference of sliding a gangway along anything. In fact, the Smedal reference does not include any instances of the term “runway” or “slide” or refer to any sliding elements at all.

Applicant respectfully submits that in light of the present amendments, the rejections under 35 U.S.C. § 102 have been overcome. Reconsideration is respectfully requested. .

Rejections under 35 U.S.C. § 103

Claims 1–6, and 45–49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Smedal as applied in the above referenced § 102 rejections. Applicant respectfully traverses the rejections under § 103 for at least the reasons set forth above in the Applicant’s response to the rejections under 35 U.S.C. § 102 which are incorporated here by reference.

Claims 2-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Smedal as applied in the above referenced § 102 rejections in view of U.S. Patent No. 6,418,582 to Petit (hereinafter “Petit”). Applicant respectfully submits that Petit teaches inflating a bellows in order to expand the bellows in a roughly longitudinal direction. Applicant respectfully submits that Petit does not cure the deficiencies of Smedal as described above with reference to the rejection under 35 U.S.C. § 102. Further, Petit does not teach or suggest “the at least one inflatable member spans the gap between the vessel and location of entry to the fixed offshore structure” as recited in the presently amended claims.

Since no combination of Smedal or Petit teaches or suggests each and every element of the claims, Applicant respectfully submits that the rejections under 35 U.S.C. § 103 have been overcome. Reconsideration is respectfully requested.

CONCLUSION

In view of the foregoing remarks, and for at least the reasons set forth herein, it is respectfully submitted that claims 1, 3, 6, 45-47 and 65 are believed to be in condition for allowance. Allowance and issuance is earnestly solicited.

If the Examiner should have any questions concerning this communication the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2896. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2896 therefore.

Respectfully submitted,

Date: June 16, 2010

/Joseph P. Quinn/
Joseph P. Quinn (Reg. No. 45029)
Attorney for Applicant(s)
Customer No. 71130
SEYFARTH SHAW LLP
Two Seaport Lane, Suite 300
Boston, MA 02210-2028
Tel: (617) 946-4833
Fax: (617) 946-4801
Email: bosippto@seyfarth.com